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August 6, 2021

VIA ECF

United States District Court
Eastern District of New York
814 Federal Plaza
Central Islip, NY 11722-4451

Attention: Magistrate Judge James M. Wicks

Re: Volpe v. Ryder
19-cv-02236 (JMA)(JMW)

Magistrate Wicks:


As the Court is aware, this office represents the plaintiff in this matter, Charles Volpe. During the Status Conference held on 08/02/21, the undersigned omitted to mention a potential problem in this matter.

Incoming counsel for the defendants also represents Mr. Volpe as a defendant in an action in Federal Court brought by one Dolores Sharpe. The County of Nassau is indemnifying Mr. Volpe in that action. In the Sharpe case, Mr. Mehnert's firm and counsel for Mr. Volpe have been conducting a joint defense, although there is no written agreement. Mr. Volpe's counsel has shared documents with Mr. Mehnert, and they have engaged in joint settlement discussion.

Although there may not be an actual conflict for Mr. Mehnert's firm, there is certainly the possibility of a conflict and the appearance of one. As such, the undersigned is concerned about this situation and in the interest of protecting Mr. Volpe in the prosecution of this matter, it is respectfully suggested that Mr. Mehnert's firm should be disqualified from representing the defendants herein.

We thank the Court for its consideration.

Respectfully,



GINA M. ARNEDES

GMA:le
cc: Matthew J. Mehnert, Esq. (via e-Mail)
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